

### **ARGUMENTS/REMARKS**

Claims 66-182 are pending. Claims 1-65 have been cancelled, without prejudice, in order to facilitate prosecution. Applicants maintain the right to pursue the previous claimed subject matter in a continuation application. Claims 66-182 are new.

As discussed with the Examiner on January 17, 2006, new claims 66-182 have been drafted to encompass processes for inhibiting and killing target cells utilizing antimicrobial peptides comprising the periodic peptides disclosed as exemplary periodic peptides in the disclosure. The Applicants believe that the New claims, as currently drafted, are in an acceptable form for allowance.

### ***Specification***

In a previous office action, Applicant assigned the non-periodic antimicrobial peptide D2A21 SEQ. ID. No. 57 and non-periodic antimicrobial peptide D4E1 SEQ. ID. No. 58. Applicants respectfully requests that D2A21 and D4E1 be assigned SEQ. ID. No. 65 and SEQ. ID. No. 66, respectfully, as indicated in the above amendments.

A number of sequences disclosed in the specification were not identified with sequence identifiers, or were not included in the previously submitted sequence listing. Applicants respectfully request that the following sequences be given the sequence identifiers described below:

KFAK - SEQ. ID. No. 57 (the sequence is disclosed on page 10, paragraph 34, and in Tables 2, 3, and 4);

KFAK KFAK - SEQ. ID. No. 58 (the sequence is disclosed on page 10, paragraph 34, and in Tables 2, 3, and 4);

KFAK KFAK KFAK - SEQ. ID. No. 59 (the sequence is disclosed on page 10, paragraph 34, and in Tables 2, 3, and 4);

LK LK LK LK LK LK LK - SEQ. ID. No. 60 (the sequence is disclosed on page 10, paragraph 33, and in Tables 3, 4, 5, and 6);

KFAK KFAK KFAK KFAK KFAK KFAK KFAK KFAK KFAK KFAK KFAK KFAK KFAK  
KFAK KFAK KFAK KFAK KFAK KFAK KFAK - SEQ. ID. No. 61 (the sequence is disclosed in Table 6);

KFK KFK KFK - SEQ. ID. No. 62 (the sequence is disclosed in Table 6);

KFK KFK KFK KFK - SEQ. ID. No. 63 (the sequence is disclosed in Table 6);

KGK KGK KGK KGK KGK KGK KGK - SEQ. ID. No. 64 (the sequence is disclosed in Table 6);

KFAKKFAKKFAKKAAC - SEQ. ID. No. 67 (the sequence is disclosed in Table 3);

KFAKKFAKKAACKAAC - SEQ. ID. No. 68 (the sequence is disclosed in Table 3);

KFAKKAACKFAKKAAC - SEQ. ID. No. 69 (the sequence is disclosed in Table 3).

Applicants have amended the SEQ. ID. No. column of the various tables to account for the above sequence identifiers. In addition, a substitute sequence listing as provided for in 37 CFR § 1.825 is enclosed herein, along with the appropriate required statements. The Applicants respectfully request that the substitute sequence listing as provided be herewith entered.

***Claim Rejection – 35 USC § 112, first paragraph***

***Enablement***

The Examiner has rejected claims 1-2, 4-6, 19, 21-23, 25-27, 29-51, 56-57, 59-60, and 62-65 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. These claims have been canceled in order to facilitate prosecution. Applicant's

maintain the right to seek the canceled claimed subject matter in a continuation application. New claims 66-182 are believed by Applicant to meet the enablement requirement of § 112.

***Written Description***

The Examiner has also rejected claims ejected claims 1-2, 4-6, 19, 21-23, 25-27, 29-51, 56-57, 59-60, and 62-65 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. These claims have been canceled in order to facilitate prosecution. Applicant's maintain the right to seek the canceled claimed subject matter in a continuation application. New claims 66-182 are believed by Applicant to meet the written description requirements of § 112.

***Claim Rejection – 35 USC § 101***

The Examiner has also rejected claims ejected claims 16-19 under 35 U.S.C. § 101 as not having a specific utility because the claims read upon a representative SEQ. ID. No. drawn to a specific amino acid sequence. Claims 16-19 have been canceled in order to facilitate prosecution. Applicant's maintain the right to seek the canceled claimed subject matter in a continuation application. New claims 66-182 are believed by Applicant to meet the utility requirements of § 101.

***Conclusion***

The Commissioner is authorized to charge such fees due with this response above those submitted, or credit any overpayment to Deposit Account No. 11-0980.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Appl. No. 10/785,210  
Amendment dated January 17, 2006  
Reply to Office Action of August 15, 2005

Respectfully submitted,

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